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10 FORREST DAVID MILDER

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13 SACRAMENTO DIVISION

14 SOLARMORE MANAGEMENT
SERVICES, INC., a California corporation,

15 Plaintiff,

16 v.

17 NIXON PEABODY, LLP, a New York limited
18 liability partnership; FORREST DAVID
MILDER, a married individual,

19 Defendants.
20

Case No. 2:20-cv-02446-JAM-DB

**JOINT STIPULATION TO EXTEND
TIME FOR JOINT STATUS REPORT
AND ORDER**

Judge: Hon. John A. Mendez

Date Filed: December 10, 2020

Trial Date: Not yet set

STIPULATION OF THE PARTIES

The parties, Plaintiff Solarmore Management Services, Inc. and Defendants Nixon Peabody and Forrest David Milder (collectively “Parties”), by and through their attorneys, hereby stipulate and agree as follows:

This matter was removed from Los Angeles Superior Court to the Central District of California on November 4, 2020. On November 20, 2020, Defendants filed their motion to transfer venue to the Eastern District of California pursuant to 28 U.S.C. § 1404. *See* ECF No. 20. On December 8, 2020, Judge Christina A. Snyder in the Central District of California granted Defendants’ unopposed motion to transfer venue. *See* ECF No. 25. On December 10, 2020, the case was transferred to the Eastern District of California. *See* ECF No. 26. On December 17, 2020, the Court ordered that this action was related to thirteen other actions pending in the Eastern District and assigned this action to Judge John A. Mendez. *See* ECF No. 30. The Court has vacated all upcoming deadlines for this action, including the deadline for Defendants’ answer or responsive pleading, which was previously set for February 8, 2021. *Id.*

On December 22, 2020, the Parties stipulated that Plaintiff’s counsel would be withdrawing and Plaintiff planned to substitute new counsel. *See* ECF 34. On March 12, 2021, the Court granted the parties’ stipulation to continue the deadline for the Federal Rule of Civil Procedure 26(f) conference to 120 days from the entry of the Court’s order or 30 days after the Court ruled on any motion to dismiss filed by Defendants, in order to allow Plaintiffs time to substitute new counsel. ECF No. 38. On July 6, 2021, September 27, 2021, and December 20, 2021, Defendants requested that the Court again continue the Rule 26(f) conference because no new counsel for Plaintiffs had appeared, Plaintiffs had not provided any further information to Defendants regarding their new counsel, and thus the parties were unable to meet and confer in advance of the conference as required by Rule 26(f)(1). ECF No. 40, 45, 48.

On February 3, 2022, Plaintiff substituted undersigned counsel as counsel of record. *See* ECF 52. On March 25, 2022, the Court ordered the Parties to file a Joint Status Report pursuant to the provisions of Fed. R. Civ. P. 16 and 26, in accordance with Local Rule 240 and the Court’s Order Requiring Service of Process and Joint Status Report, on or before April 8, 2022.

1 Defendants have not yet filed a Motion to Dismiss or other responsive pleading, and no
2 deadline for doing so has yet been set. In light of the recent substitution of counsel and to allow
3 the parties additional time to meet and confer, the Parties stipulate and agree that Defendants shall
4 file a motion to dismiss or other responsive pleading on or before May 20, 2022. The Parties
5 further stipulate and agree that Plaintiff shall respond to any motion to dismiss or other responsive
6 pleading on or before July 1, 2022; and that Defendants may reply to any opposition on or before
7 July 22, 2022.

8 The Parties have agreed that it is in the best interests of the Parties and this Court that all
9 discovery and the submission of the Joint Status Report, currently due on April 8, 2022, be stayed
10 until 30 days after either (a) the hearing on Defendants' motions to dismiss, or (b) the hearing
11 date is taken off the Court's calendar and the motions are deemed submitted on the papers.
12 Notwithstanding the stay on discovery, the Parties further agree that Initial Disclosures under
13 Rule 26(a)(1)(B) shall be exchanged no later than May 20, 2022.

14 THEREFORE, pursuant to L. R. 143 and 144, the Parties hereby stipulate as follows:

15 1. The deadline for the Defendants to answer, move to dismiss, or otherwise respond to
16 Solarmore Management Services, Inc.'s Complaint shall be May 20, 2022;

17 2. The deadline for Plaintiff to oppose any motion to dismiss shall be July 1, 2022;

18 3. The deadline for Defendants to file any reply to Plaintiff's opposition to the motion to
19 dismiss shall be July 22, 2022; and

20 4. All discovery and submission of the Joint Status Report pursuant to the provisions of
21 Fed. R. Civ. P. 16 and 26, in accordance with Local Rule 240 and the Court's Order Requiring
22 Service of Process and Joint Status Report shall be stayed until 30 days after either (a) the hearing
23 on Defendants' motions to dismiss, or (b) the hearing date is taken off the calendar and the
24 motions are deemed submitted on the papers.

25 5. The Parties shall exchange Initial Disclosures under Rule 26(a)(1)(B) on or before May
26 20, 2022.

27 **IT IS SO STIPULATED.**

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1 Dated: April 7, 2022

KEKER, VAN NEST & PETERS LLP

2
3 By: /s/ Elliot R. Peters

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6 Attorneys for Defendants
7 NIXON PEABODY LLP and
8 FORREST DAVID MILDER

9 Dated: April 7, 2022

THOMAS, ALEXANDER, FORRESTER
& SORENSEN LLP

11 /s/ Steven W. Thomas
12 By: (as authorized on April 7, 2022)

STEVEN W. THOMAS
EMILY ALEXANDER
MARK FORRESTER
STEPHEN SORENSEN

15 Attorneys for Plaintiffs
16 SOLARMORE MANAGEMENT
SERVICES, INC. a California corporation

17
18 **IT IS SO ORDERED.**

19
20 Dated: April 8, 2022

/s/ John A. Mendez

21 THE HONORABLE JOHN A. MENDEZ
22 UNITED STATES DISTRICT COURT JUDGE